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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/748,716

12/22/2000

Sara Elo Dean

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03/14/2005

EXAMINER

DETWILER, BRIAN J

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ART UNIT

PAPER NUMBER

2173

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,716

Applicant(s)

DEAN ET AL.

Examiner

Brian J. Detwiler

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Affidavit Under 37 CFR 1.131***

The affidavit filed on 5 November 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the Carroll reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Carroll reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The date by which the affidavit swears behind the Carroll reference is incorrect. Affiants swear that the invention was conceived prior to September 14, 2001, but the priority date of the Carroll reference is September 14, 2000.

The evidence submitted is further insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Carroll reference. Applicant has not proven an actual reduction to practice by showing the invention existed in physical or tangible form, or a constructive reduction to practice by showing diligence up until affiant's filing of the U.S. application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2173

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-31, and 33-39 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2002/0085020 A1 (Carroll, Jr.).

Referring to claims 1, 23, and 39, Carroll discloses in paragraph 24 a system for creating a user interface wherein the system comprises a parser, an application source code file, an application interface file, an interface grammar, and an interface library. To create the user interface, a developer first selects an application interface file. This step corresponds to the claimed step of receiving a user selection of a document type. In paragraphs 235 and 236, Carroll discloses selecting “Bliss.xml” as the interface file. The developer must then select a document type definition (DTD), which defines the document’s type and the grammatical rules that it adheres to. In paragraphs 238 and 239, Carroll discloses the step of selecting the “Joy” DTD. Carroll further discloses in paragraphs 251 and 252 that an application source code file is created for specifying the application logic. In paragraph 188, Carroll explains that the parser uses information from the application source code file and the application interface file to construct the application’s user interface. Carroll further explains in paragraph 188 that the application source code selects a plurality of elements specified by the DTD during the parsing process. The selected elements are then mapped to interface controls located in the interface library. In paragraph 270, Carroll discloses a GUI builder or UI editor with which developers can “easily manipulate and specify, through a series of hierarchical properties and input fields, a particular graphical user interface definition.” Carroll further discloses in this paragraph that the

Art Unit: 2173

graphical-based tool prevents developers from having to manipulate the XML files directly.

Therefore, the UI editor assembles one or more interface controls without presenting specific DTD syntax to a user. The UI editor is further illustrated in Figure 22. The UI editor can further accept user input for one or more content objects associated with the user interface controls.

Carroll discloses in paragraph 304 that UI editor allows objects to be dragged from a palette and dropped onto a window. The content objects must then subsequently be aggregated to create a complete user interface.

Referring to claims 2 and 24, Carroll discloses in paragraph 21 that the XML documents that describe the user interface are associated with a DTD and an XML Schema.

Referring to claims 3, 4, 25, and 26, Carroll discloses in paragraph 304 and Figure 22 that the UI editor comprises a WYSIWYG graphical user interface.

Referring to claims 5 and 27, Carroll discloses in paragraph 270 that users can “easily manipulate and specify, through a series of hierarchical properties and input fields, a particular graphical user interface definition.” This type of interface can be considered a wizard.

Referring to claims 6 and 28, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface controls such as icons, pull-down menus, buttons, a window, and more.

Referring to claims 7 and 29, Carroll discloses a sample XML document in paragraph 243 wherein a plurality of types and hierarchical levels are defined. Accordingly, the parsing process must determine the type and hierarchical context of each interface element. The mapping step, furthermore, must map the type and context to the interface controls in order for them to be displayed properly.

Referring to claims 8, 9, 30, and 31, Carroll discloses in paragraph 188 utilizing a Java property file during the parsing process. In paragraphs 106 and 107, Carroll defines a Java property file as a text file that is associated with a Java class and is used to load a user's language and locale settings.

Referring to claims 11, 12, 33, and 34, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface elements such as pull-down menus, buttons, and UI widgets that must have been parsed during the parsing process. The hierarchical nature of the interface, as illustrated in Figure 19, means that composite elements comprising multiple other interface elements will also be parsed.

Referring to claims 13 and 35, recursive calls must be made in order to successfully traverse an entire hierarchical structure. Accordingly, the assembling of the one or more interface controls must occur recursively while maintaining relational links between the controls and elements.

Referring to claims 14, 15, 36, and 37, Carroll discloses in paragraph 240 that the sample DTD specifies that each element can contain zero or more action elements, followed by zero or more model elements, followed by a combination of component, mainwindow, or splashWindow elements. Should the developer not use one or more of the optional elements, they will inherently be removed from the final user interface.

Referring to claims 16, 17, and 38, upon completing the creation of a user interface, the interface file is inherently checked in and saved as an XML document.

Referring to claim 18, Carroll discloses in paragraph 24 a system for creating a user interface wherein the system comprises a parser, an application source code file, an application

Art Unit: 2173

interface file, an interface grammar, and an interface library. To create the user interface, a developer first selects an application interface file. This step corresponds to the claimed step of receiving a user selection of a document type. In paragraphs 235 and 236, Carroll discloses selecting “Bliss.xml” as the interface file, which may be a new or an existing document. If it is an existing document a DTD will be referenced in the first few lines, which defines the document’s type and the grammatical rules that it adheres to. In paragraphs 238 and 239, Carroll discloses referencing the “Joy” DTD. The DTD is inherently retrieved at load time and the type and context information is determined and mapped to the corresponding elements. Finally, the document is assembled and displayed as a GUI.

Referring to claim 19, Carroll discloses in paragraph 304 that UI editor allows objects to be dragged from a palette and dropped onto a window.

Referring to claim 20, Carroll discloses in paragraph 21 that the XML documents that describe the user interface are associated with a DTD and an XML Schema.

Referring to claim 21, Carroll discloses in paragraph 304 and Figure 22 that the UI editor comprises a WYSIWYG graphical user interface.

Referring to claim 22, Carroll discloses in Figure 14 a sample interface that includes a plurality of interface controls such as icons, pull-down menus, buttons, a window, and more.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 2173

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0085020 A1 (Carroll, Jr.) and US Patent Application Publication 2002/0087571 A1 (Stapel et al).

Referring to claims 10 and 32, Carroll fails to disclose determining a hierarchical context based on an Xpath. Stapel, however, discloses in paragraph 44 that using Xpath for data representation improves the efficiency for storing and manipulating data in XML format. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the Xpath standard for representing hierarchical data in Carroll's invention because it would improve the efficiency for storing and manipulating the XML data as suggested by Stapel.

### ***Response to Arguments***

Applicant's arguments filed 5 November 2004 have been fully considered but they are not persuasive. As discussed supra, the submitted affidavit fails to sufficiently demonstrate conception or reduction to practice prior to the effective date of the Carroll reference. Regarding the remaining arguments, Applicant asserts that Carroll alone or in combination with Stapel fails to disclose assembling a document that conforms to the selected document type definition. More specifically, Applicant argues, "The system of Carroll does not create an XML document using a user interface, i.e. as recited in independent claims 1, 23, and 39". The examiner respectfully disagrees. In paragraph 270, Carroll discloses the following:

FIG. 22 illustrates an exemplary, graphical based application that may be developed in accordance with the invention to allow a developer to easily manipulate and specify,



Art Unit: 2173

through a series of hierarchical properties and input fields, a particular graphical user interface definition. The data entered through this graphical-based tool can then be used to define or generate the source interface XML file, and hence the interface itself. The graphical-based tool, (referred to as 'Rapture') eliminates a need for the developer to manipulate the XML files directly, and greatly increases the usability of any development suite that incorporates the invention.

Accordingly, Carroll's invention does in fact create an XML document using a user interface as recited in independent claims 1, 23, and 39. The rejections to claims 1-39 are thus maintained for at least this reason.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

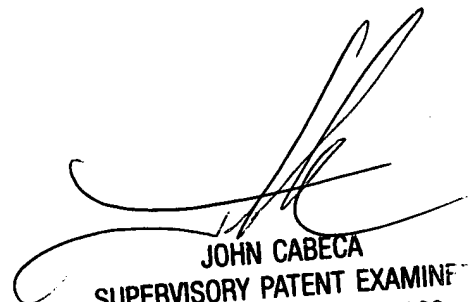
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian J. Detwiler whose telephone number is 571-272-4049. The examiner can normally be reached on Mon-Thu 8-5:30 and alternating Fridays 8-4:30.

Art Unit: 2173

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeca can be reached on 571-272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bjd



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